

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

F1 AIR, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-11508-RCL
)	
KAIZEN AVIATION, INC.,)	
)	
<u>Defendant.</u>)	

AFFIDAVIT OF HAROLD SHAFER

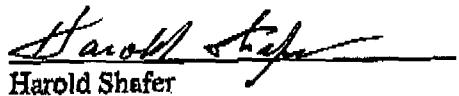
I, Harold Shafer, on oath depose as follows:

1. I am the principal of Kaizen Aviation, Inc. ("Kaizen"), the defendant in this matter.
2. The papers submitted by the plaintiff indicate that the complaint and summons were sent to my home address and were signed for by William Maudlin.
3. Mr. Maudlin is neither an employee nor an agent of Kaizen, although he is employed by another business entity in which I have an interest that is unrelated to Kaizen.
4. At the time the complaint and summons allegedly were delivered to my home, I was traveling outside of the contiguous United States.
5. I did not learn of the plaintiff's complaint against Kaizen or the default entered against it in this matter until sometime after I returned from my travels on September 20, 2005.
6. As soon as I learned of the plaintiff's complaint and the default, I contacted my counsel in Florida, Doug Barnard, to arrange for responding to the complaint and removal of the default.
7. Shortly thereafter, Attorney Barnard's office put me in touch with counsel in Massachusetts to defend Kaizen in this lawsuit.

8. Kaizen's failure to respond to the plaintiff's complaint and the motion for entry of default was due to the fact that I was unaware of their existence until sometime after September 20, 2005, which was after the default was entered.

9. As soon as I learned of the complaint and the default, I acted quickly with the intent of responding to the plaintiff's claims. In fact, I believe that Kaizen has defenses to the plaintiff's claims and has claims against it that exceed the value of the claims asserted by the plaintiff.

Signed under the pains and penalties of perjury, this 11th day of October 2005.



Harold Shafer

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